

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Rosanne Edwards Murphy,)	
)	
Plaintiff,)	Civil Action No.: 2:05-2580-CWH
)	
versus)	
)	
Palmetto Lowcountry Behavioral Health,)	<u>ORDER</u>
LLC,)	
)	
Defendant.)	
_____)	

On September 6, 2005, the plaintiff, a resident of South Carolina, filed a complaint pro se against Palmetto Lowcountry Behavioral Health, LLC. The defendant is a South Carolina limited liability corporation that operates a mental health care facility in Charleston County, South Carolina. On September 16, 2005, Magistrate Judge George C. Kosko filed a report and recommended that this action be dismissed for lack of jurisdiction. On September 22, 2005, the plaintiff filed objections to the magistrate judge's report and recommendation.

This court is without 28 U.S.C. §1332 diversity jurisdiction because both parties are South Carolina citizens.

Although the plaintiff's pro se complaint is liberally construed, federal courts are of limited jurisdiction. Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). The plaintiff alleges that Lowcountry Medical Behavioral Health committed medical malpractice. She also claims that she is unable to locate her son. Although medical malpractice is a cause of action under South Carolina state law, the defendant has not raised any federal questions. Pederson v. Gould, 341 S.E.2d 633, 634 (1986). Therefore, this court is without 28 U.S.C. §1331 federal

question jurisdiction.

Accordingly, the Court adopts the report and recommendation and dismisses this action without prejudice for lack of jurisdiction.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "C. Weston Houck". The signature is written in a cursive, flowing style. The first letter "C" is large and loops around. The name "Weston" is written in a standard cursive, and "Houck" follows with a similar style. The signature is positioned above a horizontal line.

C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

Charleston, South Carolina
October 20, 2005